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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): E. Klosterman et al.   ATT. DOCKET NO. 10004283-1

SERIAL NO.: 09/943,239   GROUP ART UNIT: 2622

FILED: August 29, 2001   EXAMINER: Arthur Evans

TITLE: Printer Driver Access Interface

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the final rejection in the above identified application.

No amendments are filed with this request.

This request is filed with the Notice of Appeal.

The review is requested for the reasons stated in the following Remarks.

REMARKS SUPPORTING REQUEST FOR REVIEW

The claims stand rejected under Section 102 as being anticipated by

Petchenkine (6624908). The remarks made in support of the rejection and in response

to Applicants arguments are quoted below in full.

> "Note 'interface module' (see lines 47-55 of column 21), 'printer driver'
> (see lines 37-44 of column 18) and 'add-on module' (10-17 of column 3)
> as claimed by the applicant and taught by Petchenkine et al.
>
> Applicant's arguments filed 6-16-05 have been fully considered but
> they are not persuasive. Regarding applicant's argument that the OPI
> does not have an interface to the print driver, OPI processes print data,
> and hence it must have an interface to the print driver. Regarding
> applicant's argument that add-on module are not register with OPI, see

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element 154 of figure 4, which shows that all modules are linked, i.e. register." Office Action, page 2.

The Examiner carries the initial burden of establishing a prima facie case of anticipation. To meet this burden, the Examiner must show that the reference teaches "each and every element as set forth in the claim." MPEP § 2131 (quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987)). It is not enough that the reference discloses all the claim elements in isolation. Rather, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." See, e.g., Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 1456 (Fed. Cir. 1984).

Dependent Claims 2-15 and 17-20. The Examiner's remarks do not address any of the limitations added in the dependent claims. It is self evident, therefore, that the Examiner has failed to carry its burden of establishing a prima facie case of anticipation as to Claims 2-15 and 17-20 and the rejection of these claims should be withdrawn.

As discussed in more detail below with regard to the independent claims, Petchenkine's "Open Prepress Interface (OPI) module 336" disclosed at column 21, line 48 has no apparent relationship to the printer driver mentioned at column 18, line 40 or the add-on modules mentioned at column 3, lines 13-14. Specifically, Petchenkine does not teach the following limitations added in the dependent claims.

Receiving property information at the interface module from an add-on module (Claim 2).

Registering an add-on module with the interface module independent from the printer driver (Claim 3).

Receiving a call from the printer driver indicating that a print job is initiated; determining whether any of the add-on modules are responsive to the call; and in response to determining that an add-on module is responsive, sequentially connecting a responsive add-on module to the printer driver via the interface module (method Claim 4 and programming counterpart Claim 17).

Receiving a call from the printer driver indicating that an access point has been reached; determining whether any of the add-on modules are responsive to the call; and in response to determining that an add-on module is responsive, sequentially

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connecting a responsive add-on module to the printer driver via the interface module (method Claim 6 and programming counterpart Claim 18).

A responsive add-on module inserts data into the print stream at the access point (Claim 7 depending from Claim 6); a responsive add-on module inserts a command into the print stream at the access point (Claim 8 depending from Claim 6); a responsive add-on module transmits a command to the printer driver (Claim 9 depending from Claim 6); an access point is selected from the group consisting of a document start, a document end, a physical page start, a physical page end, a logical page start, and a logical page end (Claim 10 depending from Claim 6); an access point is dynamically selectable (Claim 11 depending from Claim 6).

Querying the printer driver from an add-on module about a the setting and receiving information from the printer driver in response to the querying (method Claim 12 and programming counterpart Claim 19).

Changing a printer driver setting through the interface module under the control of an add-on module (method Claim 14 and programming counterpart Claim 20).

Providing an additional printer driver and a corresponding additional interface module for each additional printer driver and an add-on module is registered with a plurality of the interface modules (Claim 15).

Independent Claims 1 and 16. Claim 1 recites "providing an interface module that interfaces with the printer driver." The Examiner has made essentially no showing whatever that Petchenkine discloses an interface module, a printer driver and an add-on module arranged as recited in Claim 1. Petchenkine's "Open Prepress Interface (OPI) module 336" disclosed at column 21, line 48 has no apparent relationship to the printer driver mentioned at column 18, line 40. That is to say, Open Prepress Interface module 336 does not interface with the printer driver as recited in Claim 1.

The Examiner argues that "OPI processes print data, and hence it must have an interface to the print driver." This is not correct. An interface is a place at which two systems meet and act on or communicate with each other. The fact that OPI module 336 might process print data does not necessarily mean OPI module 336 serves as an interface with any printer driver, and specifically not the printer driver mentioned at column 18, line 40. In fact, to the extent Petchenkine might be deemed to teach any module interfacing with the printer driver, the only possibility is the so-called WinPrint module discussed at columns 17-18. Petchenkine teaches accessing a printer driver

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for a selected output printer through the WinPrint module setup menu shown in Fig. 20. Hence, even if it is assumed that OPI module 336 in Petchenkine is an interface module as recited in Claim 1, Petchenkine still cannot reasonably be deemed as teaching, or even suggesting, that OPI module 336 interfaces with the Stylus 3000 printer driver for the printer shown in Fig. 20.

Claim 1 also recites registering an add-on module with the interface module. Petchenkine's OPI module 336 has no apparent relationship to the add-on modules mentioned at column 3, lines 13-14. That is to say, the add-on modules are not registered with OPI module 336 as recited in Claim 1.

The Examiner argues this registration limitation is met because "element 154 of figure 4, shows that all modules are linked, i.e. register [sic]." This is not correct. Linking is not the same as registering. Devices linked to one another in a network need not be registered with one another. Similarly, programming modules linked to one another need not be registered with one another. More importantly, Petchenkine does not teach that any of the modules referred to in Fig. 4 are registered with one another. More importantly still, Petchenkine does not teach that OPI module 336 has any relationship at all to the linking method illustrated in Fig. 4, specifically not registering an add-on module mentioned at column 3, lines 13-14 with OPI module 336. Hence, even if it is assumed that OPI module 336 in Petchenkine is an interface module as recited in Claim 1, Petechkine still does not disclose registering an add-on module with the interface module as claimed.

A similar analysis applies to Claim 16 which is a programming counterpart to Claim 1.

Respectfully submitted,

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